

BOEM

Bureau of Ocean Energy
Management

U.S. Federal Environmental Review Process for Offshore Wind Energy

June 17, 2019

Office of Renewable Energy Programs, Environment Branch for Renewable Energy



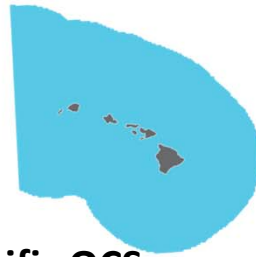
BOEM Authority

- “The Outer Continental Shelf (OCS) is a **vital national resource** reserve held by the Federal Government for the public, which should be made available for **expeditious and orderly development**, subject to **environmental safeguards**, in a manner which is consistent with the maintenance of competition and other national needs.”
 - **Outer Continental Shelf Lands Act (OCSLA)** | *Sec 3(3)*
- “... may grant a lease [for] energy from **sources other than oil and gas** ... in a manner that provides for safety and protection of the environment.”
 - **Energy Policy Act of 2005** | *Sec. 388*

BOEM Regions



Alaska OCS



Pacific OCS



Gulf of Mexico OCS

Atlantic OCS



BOEM's International Engagement

- Tracking developments and technology in experienced markets
- Formal and informal relationships with other countries
- Regular knowledge exchanges at the technical level with counterpart regulators
- Identification of best practices for many issues



BOEM Renewable Energy Program

Mission: To facilitate the responsible development of renewable energy resources on the OCS through conscientious planning, stakeholder engagement, comprehensive environmental analysis, and sound technical review



Wind



Wave



Ocean Current



Transmission



BOEM Offshore Wind Activities

Leasing

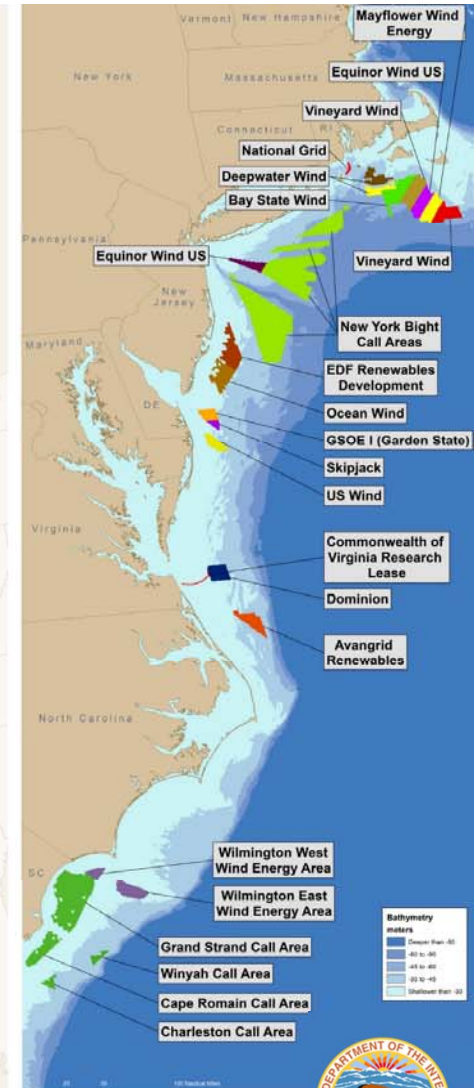
- 15 commercial wind energy leases in the Atlantic
- Upcoming lease sale in New York

Site Assessment Plans (SAP)

- 7 approved (MA, RI, VA, MD, MA, NJ, NY)

Construction And Operations Plans (COP)

- 4 processing (Vineyard Wind, Wind South Fork, Bay State Wind, and Skipjack)
- 7 expected within next 12 months
- Planning activities continue off Hawaii, California, Carolina and the New York Bight
- California received 14 nominations from the Call for Information and Nominations issued October 19, 2018



Renewable Energy Authorization Process



Planning & Analysis

~ 2 YEARS

- Intergovernmental Task Force
- Request for Information or Call for Information and Nominations
- Area Identification
- Environmental Reviews



Leasing

~ 1-2 YEARS

- Publish Leasing Notices
- Conduct Auction or Negotiate Lease Terms
- Issue Lease(s)



Site Assessment

UP TO 5 YEARS

- Site Characterization
- Site Assessment Plan



Construction & Operations

~ 2 YEARS (+25)

- Construction & Operations Plan
- Facility Design Report and Fabrication & Installation Report
- Decommissioning
- Environmental and Technical Reviews

Federal Agencies - Cooperating, Participating, and Consulting



Planning and Analysis/Leasing

- Lease **issuance** by BOEM, which allows for plan submittal
- National Environmental Policy Act (NEPA) review
 - Environmental Assessment (EA)
- BOEM required to **consult** pursuant to:
 - The Endangered Species Act (ESA)
 - The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA)
 - National Historic Preservation Act (NHPA)
 - Coastal Zone Management Act (CZMA)
- Informal **coordination**
 - Department of Defense (DOD)
 - U.S. Coast Guard (USCG)
 - Intergovernmental Task Force
- No other **authorizations**



Site Characterization Surveys

- Lessees submit surveys plans for review
- BOEM does **not** approve survey work
- Typically BOEM is **not required to consult**
- Informal **coordination**
 - National Marine Fisheries Service (NMFS)
- Other **permits** or authorizations
 - MMPA Incidental Take Authorization (ITA) issued by NMFS
 - Nation-wide permit for structures secured to the sea-floor (geotechnical surveys); issued by the U.S. Army Corps of Engineers (USACE)
 - *Potential temporary permit (though not common) to grant access through National Park Service (NPS) lands and waters*



Site Assessment

- Lessee submits a Site Assessment Plan for BOEM **approval**
 - Details construction and installation of a meteorological tower and/or buoys
- **NEPA** review
 - Categorical exclusion review or determination of adequacy
- Informal **coordination**
 - NMFS
 - USCG
 - Intergovernmental Task Force
- Other **permits** or authorizations
 - USCG approval of Private Aids to Navigation (PATON)
 - OCS air permit from the Environmental Protection Agency (EPA)
 - Nation-wide permit for structures secured to the sea-floor (geotechnical surveys); issued by USACE
 - *Potential Bureau of Safety and Environmental Enforcement (BSEE) approval of Oil Spill Response Plan (met tower)*
 - *Potential Federal Aviation Administration Notice of Proposed Construction or Alteration (met tower – within 12 nm)*
 - *Potential NMFS issuance of ITA (pile-driving)*



Construction and Operations

- Lessees submits a Construction and Operations Plan for BOEM **approval**
- **NEPA** review
 - Environmental Impact Statement (EIS)
- BOEM required to **consult** pursuant to: ESA, MSFCMA, NHPA, CZMA
- Informal **coordination**
 - Intergovernmental Task Force
 - DOD
 - BSEE
 - USCG
- Other **permits** or authorizations
 - EPA issuance of OCS air permit
 - BSEE approval of Oil Spill Response Plan
 - USCG approval of PATON
 - USACE issuance of a Clean Water Act, Section 404 permit; River and Harbors Act, Section 10 permit
 - MMPA ITA issued by NMFS
 - *FAA Notice of Proposed Construction or Alteration (within 12 nm)*
 - *NPS approval of rights-of-way (transmission lines)*



Streamlining Directives and Efforts



Federal Streamlining Directives

- **Fixing America's Surface Transportation (FAST) Act (December 2015) – optional for applicants**
 - <https://www.permits.performance.gov/about/fast-41>
- **Executive Order 13807 Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects (August 2017) – will apply to all COPs**
 - <https://www.energy.gov/nepa/downloads/eo-13807-establishing-discipline-and-accountability-environmental-review-and>
- **Memorandum of Understanding Implementing One Federal Decision Under Executive Order 13807 (April 2018) – will apply to all COPs**
 - <https://www.whitehouse.gov/wp-content/uploads/2018/04/MOU-One-Federal-Decision-m-18-13-Part-2-1.pdf>

FAST-41 vs. One Federal Decision

- **Similarities**

- Enhanced coordination, transparency, predictability, and accountability of the Federal environmental review and authorization process
- Two years to complete all authorizations, once environmental review begins
- Development of permitting timetable
- Identification of lead, cooperating, and participating agencies
- Oversight and dispute resolution mechanisms
- Online permitting dashboard

- **FAST-41**

- Optional for applicant
- Possible fee in the future
- Enhanced legal protection

One Federal Decision MOU

- **Departments and agencies**

- Interior, Aquiculture, Commerce, Housing and Urban Development, Transportation, Energy, Homeland Security, Army Corps, Environmental Protection Agency, Federal Energy Regulatory Commission, Advisory Council on Historic Preservation

- **Concurrence points**

- Permitting timetable (prior to publication of NOI)
- Purpose and need (prior to publication of NOI)
- Alternatives to be carried forward (during preparation of the Draft EIS)
- Preferred alternative (likely during the preparation of the Final EIS)

- **Concurrence process**

- Drafts shared and discussed during interagency call(s)
- 10 business day formal concurrence period
- Elevation procedures, if necessary

“One Federal Decision” Concurrence Points

Identify Cooperating and Participating Agencies

~ 18 months

2 years or less



- Completeness and sufficiency review

- Publish Notice of Intent in *Federal Register*
- 30-day public comment period
- Hold public meetings
- Receive input on issues and alternatives

- Prepare with cooperating agencies
- Publish Notice of Availability in *Federal Register*
- 45-day public comment period
- Hold public hearings

- Address public comments with cooperating agencies
- Publish Notice of Availability in *Federal Register*

- “One Federal Decision”
- Minimum 30-day wait period

1
2
Permitting Timetable
Purpose and Need

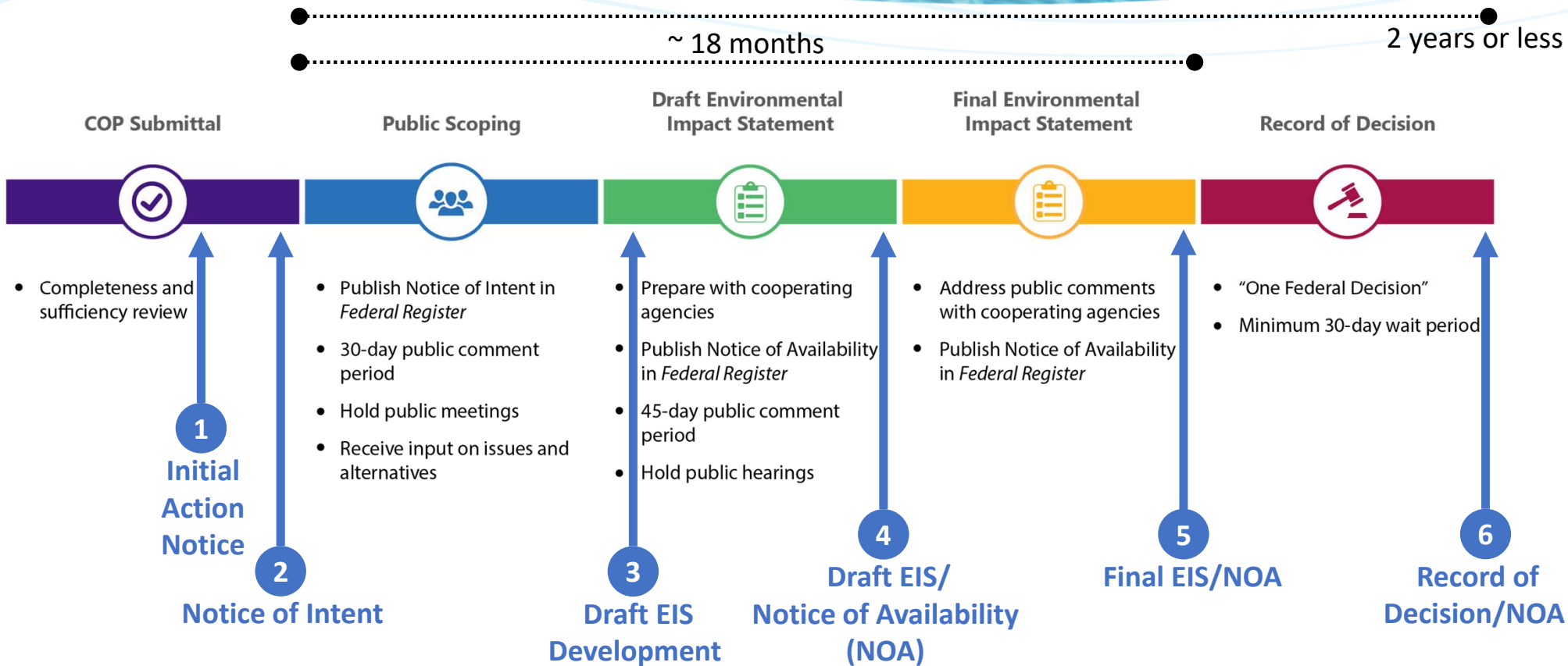
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Alternatives to be Carried Forward

4
Preferred Alternative

One Record of Decision (ROD) for remaining Federal authorizations requiring NEPA compliance

All Federal authorizations within 90 days of ROD

Department of the Interior Briefing and Clearance Points



Additional Streamlining Efforts

Stakeholder Outreach

- Site-specific
- Issue-based

Interagency Coordination

- Intergovernmental Task Forces
- Offshore Wind Permitting Subgroup

Environmental Impact Statement

- Annotated outline

Contracting

- Third-party contracting
- Blanket Purchase Agreement
- Broad Agency Announcement

Environmental Studies

- Environmental baseline
- Retiring risk
- Real-time information collection

Flexibility - Project Design Envelope

Design Envelope



Draft guidance issued
January 2018



www.boem.gov/Draft-Design-Envelope-Guidance

For more information on the BOEM's renewable energy program, visit
www.boem.gov/Renewable-Energy



BOEM.gov



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